



DOCKET NO.: C1039.70042US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg
Serial No.: 09/630,319
Confirmation No.: 5464
Filed: July 31, 2000
For: METHOD FOR TREATING AND PREVENTING INFECTIOUS
DISEASE
Examiner: Emily M. Le
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 24, 2005


Nicole Millette Hawes

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references. The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1037.70053US01	11/061,140	February 18, 2005	Lipford et al.
*C1037.70054US01	10/973,927	October 25, 2004	Lipford et al.
*C1039.70044US01	11/056,463	February 11, 2005	Hartmann et al.
*C1039.70048US12	10/956,745	October 1, 2004	Krieg et al.
*C1039.70048US13	10/956,494	October 1, 2004	Krieg et al.
*C1039.70048US14	10/972,301	October 22, 2004	Krieg et al.
*C1039.70048US15	10/987,146	November 12, 2004	Krieg et al.
*C1039.70048US16	11/031,460	January 7, 2005	Krieg et al.
*C1039.70048US17	11/036,527	January 14, 2005	Krieg et al.
*C1039.70048US18	11/067,587	February 25, 2005	Krieg et al.
*C1039.70077US01	11/071,836	March 3, 2005	Krieg
*C1039.70083US11	11/067,516	February 25, 2005	Krieg et al.
*C1039.70083US12	11/128,127	May 11, 2005	Krieg et al.
*C1039.70083US13	11/127,797	May 11, 2005	Krieg et al.
*C1039.70083US14	11/127,803	May 11, 2005	Krieg et al.
*C1041.70016US02	11/084,777	March 18, 2005	Bauer et al.
*C1041.70034US01	10/978,283	October 29, 2004	Uhlmann et al.
*C1041.70041US01	10/982,193	November 5, 2004	Bauer et al.
*C1041.70043US01	10/977,560	October 29, 2004	Jurk et al.

*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

Comments Regarding Pending Interference No. 105,171

Applicants of the instant patent application are also named inventors on an issued patent US Patent No. 6,207,646 B1 which is currently involved in an Interference (Interference No. 105,171). The instant patent application derives priority from US 6,207,646 B1. In view of the priority, Applicants have included on the attached 1449 a listing of all of the motions filed and the judgment rendered by the Board of Patent Appeals and Interferences, which considered the 35 U.S.C. §135(b)(1) motion dispositive. Copies of these documents are enclosed for the

Examiner's review. This judgment has been appealed. If the Examiner would like any additional information on this subject, she is encouraged to contact Applicants' representative at the number listed below.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

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An early and favorable action is hereby requested.

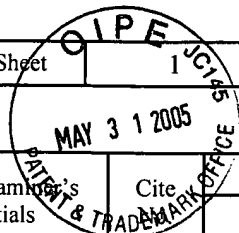
Respectfully submitted,



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Docket No.: C1039.70042US00
Date: May 24 2005
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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICATION NO.: 09/630,319	ATTY. DOCKET NO.: C1039.70042US00
		FILING DATE: July 31, 2000	CONFIRMATION NO.: 5464
		APPLICANT: Arthur M. Krieg	
		GROUP ART UNIT: 1635	EXAMINER: Emily M. Le
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U.S. PATENT DOCUMENTS

Examiner's Initials	Cite Patent & Trademark Office	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
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		GB	2 216 416	A	Sandoz Ltd.	10-11-1989	
		KR	2001063153		Genexine Inc.	07-09-2001	Abstract
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		WO	97/30731	A3	The Immune Response Corporation	08-28-1997	
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		WO	99/58118	A2	CPG Immunopharmaceuticals GMBH	11-18-1999	
		WO	99/61592	A1	Cheil Jedang Corporation	12-02-1999	
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